



STATE OF DELAWARE
JUSTICE OF THE PEACE COURT NO. 13
1010 CONCORD AVENUE
CONCORD PROFESSIONAL CENTER
WILMINGTON, DELAWARE 19802

TELEPHONE: (302) 577-2560

PLAINTIFF

Bear Investments Group LLC
Francis J. Casey
3 Hillary Circle
New Castle, De. 19720

Vs. CIVIL ACTION: JP13-10-007624

DEFENDANT

Richard Johnson
Sameerah Rahman
117 Commonwealth Ave.
Claymont, De. 19703

ORDER

Trial de novo was held on August 10, 2010. Appearing were Plaintiff Bear Investment Group, LLC and Richard Johnson. Sameerah Rahman, defendant who filed the Appeal failed to appear. Johnson asked to represent Rahman, a request which was necessarily denied as Johnson is not an Attorney and in this appeal, was not a proper party.

At the trial below held on July 13, 2010, Johnson failed to appear resulting in a Default Judgment against him. Rahman did appear at the trial where Judgment by Argument was entered for Bear Investments and against Rahman. Subsequently, Rahman filed the appeal now at bar and Johnson filed a motion to vacate the Default Judgment. That motion was scheduled to be heard on August 6, 2010 with trial to follow if the motion was granted. Bear Investments failed to appear for the hearing, the motion to vacate was granted, trial followed and a non-suit judgment entered against Bear Investments and for Johnson.

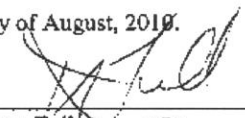
When Johnson appeared today at the trial de novo for Rahman's appeal of the July 13, 2010 decision, he was no longer a party to the case, a dismissal of the action against him having been entered on August 6, 2010.

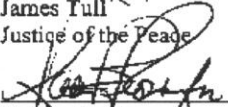
Consequently the three Judge Panel hearing the appeal had only one party, Bear Investments present for trial. The Court reviewed the complaint, the Form 13 landlord/tenant statement of current claim in support of default judgment, the June 1, 2010 five day letter of demand for rent sent by Bear Investments to Rahman and Johnson and a separate notice from Bear Investments to Rahman and Johnson demanding payment for physical damage to the property.

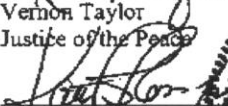
While the Court ruled that the demand for damages was premature given the tenants have the right during tenancy to repair damages they caused, the Court did find by default for Bear Investments and against Rahman for unpaid rent and late fees. The Court awards to Bear Investments rent at \$1,250.00/month from May 1, 2010 through August 10, 2010 in the amount of \$4,166.60 plus late fees of \$187.50, while denying as not yet ripe for adjudication the \$480.00 claim for physical damage.

Judgment shall be entered in favor of Bear Investments and against Sameerah Rahman \$4,354.10 and \$40.00 court costs, possession to the landlord, \$41.66 per diem until vacated and post judgment interest at 5.75%.

IT IS SO ORDERED this 10th day of August, 2010.


James Tull
Justice of the Peace


Vernon Taylor
Justice of the Peace


Susan Cline
Justice of the Peace

